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EXAMINER

HAWKINS, CHERYL N

ART UNIT PAPER NUMBER

1734

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,447

Applicant(s)

ERTEL ET AL.

Examiner

Cheryl N. Hawkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18, 19 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18, 19, 21-23, 26, 27 and 29-33 is/are rejected.
- 7) ☒ Claim(s) 24, 25, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 29 is objected to because of the following informalities: "system" in line 1 of the claim should be changed to --method--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 19, 22, 23, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Werner (US 5,678,861).

As to Claim 19, Werner discloses a method of binding sheets into bound text bodies having respective spines exposed for adhesive application and characterized by multiple length dimensions and multiple thickness dimensions, the method comprising dispensing across the thickness dimension of a text body spine solid sheet adhesive having one of multiple effective widths sized to correspond substantially to the length dimension of the text body spine wherein multiple segments of solid sheet adhesive are dispensed along the length dimension of the text body spine (column 5, lines 49-60).

As to Claim 22, Werner discloses a method wherein the dispensed multiple segments of solid sheet adhesive have equal widths (see Figure 7).

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As to Claim 23, Werner discloses a method wherein at least one solid sheet adhesive segment is dispensed independently of the other solid sheet adhesive segments (see Figure 5).

As to Claim 26, Werner discloses a method wherein the multiple segments of solid sheet adhesive are dispensed along the length dimension of the text body spine simultaneously (see Figure 4).

As to Claim 27, Werner discloses a method wherein the multiple segments of solid sheet adhesive are dispensed along the length dimension of the text body spine sequentially (see Figure 5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hocking (US 6,726,423) in view of Voges (US 4,531,873) and McLane (US 3,296,911).

As to Claim 18, Hocking discloses a machine-implemented method of binding sheets into bound text bodies having respective spines exposed for adhesive application and characterized by multiple length dimensions and multiple thickness dimensions, the method comprising assembling from multiple sheets a text body having a spine characterized by a length dimension and a thickness dimension; dispensing a solid sheet adhesive across the thickness dimension of the spine of the assembled text body; and cutting the dispensed solid sheet adhesive to an

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effective length at least as long as the thickness dimension of the spine of the assembled text body (column 2, lines 30-50). Hocking does not disclose a method which includes cutting the solid sheet adhesive to an effective width substantially corresponding to the length dimension of the spine of the assembled text body as the solid sheet adhesive is being dispensed. Even though Hocking discloses that the roll of the solid sheet adhesive is selected to be the width of the pages to be bound together to avoid the need for trimming along the width dimension, when manufacturing books having a plurality of dimensions, it would have been readily apparent to one of ordinary skill in the art at the time of the invention that changing the adhesive sheet roll for each differently sized text body would be inconvenient and time consuming. Voges discloses a method of binding sheets into text bodies which includes cutting a solid sheet adhesive to an effective width substantially corresponding to the length dimension of the spine of the assembled text body (column 6, lines 54-61). McLane discloses a web handling method which includes dispensing a solid sheet material and cutting the solid sheet material to a customized width dimension as the solid sheet material is being dispensed (column 3, lines 28-32). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Hocking to include width adjustability for cutting the solid sheet adhesive as suggested by Voges and McLane to provide adhesive sheet segments which are customized to correspond to the length of the spine of the assembled text body.

As to Claim 29, the references as combined (see Hocking) discloses a method which includes advancing the solid sheet adhesive beyond a cut location and cutting excess solid sheet adhesive to prepare a clean leading edge free of any previous cuts for a subsequent sheet binding (column 2, lines 30-50).

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As to Claim 30, the references as combined (see Hocking) disclose a method that includes storing the excess solid sheet adhesive cut from the solid sheet adhesive (see Figure 1, roll 12).

As to Claim 31, the references as combined (see Hocking) disclose a method wherein the dispensed solid sheet adhesive comprises a hot melt adhesive (column 2, lines 30-32), and further comprises melting the hot melt adhesive (column 3, lines 7-9).

As to Claim 32, the references as combined (see Hocking) disclose a method which includes attaching a cover to the text body (column 3, lines 32-36).

As to Claim 33, the references as combined (see Hocking) discloses a method which includes automatically dispensing the solid sheet adhesive across the thickness dimension of the spine of the text body without manual assistance (column 2, lines 41-50).

6. Claims 19, 21-23, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werner (US 5,678,861) and Voges (US 4,531,873).

As to Claim 19, Werner discloses a method of binding sheets into bound text bodies having respective spines exposed for adhesive application and characterized by multiple length dimensions and multiple thickness dimensions, the method comprising dispensing across the thickness dimension of a text body spine solid sheet adhesive having one of multiple effective widths sized to correspond substantially to the length dimension of the text body spine wherein multiple segments of solid sheet adhesive are dispensed along the length dimension of the text body spine (column 5, lines 49-60).

As to Claim 21, Werner does not disclose a method wherein the dispensed multiple segments of solid sheet adhesive have different widths. It is well known and conventional in the sheet material dispensing art, as disclosed by Voges (column 6, lines 56-61), to cut a sheet material segment to the exact size needed for application to an article. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Werner to include cutting a segment of the solid sheet adhesive as suggested by Voges to provide an adhesive sheet having the exact dimension of the text body. It is noted that this cutting process would result in a method in which the dispensed multiple segments of solid sheet adhesive have different widths.

As to Claim 22, Werner discloses a method wherein the dispensed multiple segments of solid sheet adhesive have equal widths (see Figure 7).

As to Claim 23, Werner discloses a method wherein at least one solid sheet adhesive segment is dispensed independently of the other solid sheet adhesive segments (see Figure 5).

As to Claim 26, Werner discloses a method wherein the multiple segments of solid sheet adhesive are dispensed along the length dimension of the text body spine simultaneously (see Figure 4).

As to Claim 27, Werner discloses a method wherein the multiple segments of solid sheet adhesive are dispensed along the length dimension of the text body spine sequentially (see Figure 5).

Allowable Subject Matter

7. Claims 24, 25, and 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record to Werner (US 5,678,861) does not disclose a method which includes obtaining indications of the length of each solid sheet adhesive segment remaining in a plug-in cartridge housing. The prior art of record to Kuhns (US 3,953,277) discloses a method of binding sheets into bound text bodies which includes dispensing a solid sheet adhesive (Figure 1, adhesive bearing strip 30) from a plug-in cartridge housing. The prior art of record to Steinberg et al. (US 6,129,796) discloses a method in which the remaining amount of material on a spool is determined with a quantity interrogator (column 8, lines 51-53).

As to Claim 24, the prior art of record does not disclose or suggest any motivation for modifying the method of Werner to include obtaining indications of the length of each solid sheet segment remaining in a plug-in cartridge housing.

As to Claim 28, the prior art of record does not disclose or suggest any motivation for modifying the method of Werner to include positioning a plug-in cartridge housing containing a roll of the solid sheet adhesive at multiple locations along the length dimensions of the text body spine.

Response to Arguments

9. In response to the applicant's arguments regarding the rejection of Claims 18-20 under 35 USC 112, second paragraph, the applicant's arguments are persuasive and the examiner has therefore withdrawn that rejection.

The applicant's arguments with respect to claim 18 have been considered but are moot in view of the new ground(s) of rejection. The reference of Hocking discloses a machine-implemented method of binding sheets into bound text bodies having respective spines exposed for adhesive application and characterized by multiple length dimensions and multiple thickness dimensions, the method comprising assembling from multiple sheets a text body having a spine characterized by a length dimension and a thickness dimension; dispensing a solid sheet adhesive across the thickness dimension of the spine of the assembled text body; and cutting the dispensed solid sheet adhesive to an effective length at least as long as the thickness dimension of the spine of the assembled text body. Hocking does not disclose a method which includes cutting the solid sheet adhesive to an effective width substantially corresponding to the length dimension of the spine of the assembled text body as the solid sheet adhesive is being dispensed. Even though Hocking discloses that the roll of the solid sheet adhesive is selected to be the width of the pages to be bound together to avoid the need for trimming along the width dimension, when manufacturing books in a plurality of length dimensions, it would have been readily apparent to one of ordinary skill in the art at the time of the invention that changing the adhesive sheet roll for each differently sized text body would be inconvenient and time consuming. The reference of Voges discloses a method of binding sheets into text bodies which includes cutting a solid sheet adhesive to an effective width substantially corresponding to the length dimension of the

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spine of the assembled text body. The reference of McLane discloses a web handling method which includes dispensing a solid sheet material and cutting the solid sheet material to a customized width dimension as the solid sheet material is being dispensed. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Hocking to include width adjustability for cutting the solid sheet adhesive as suggested by Voges and McLane to provide adhesive sheet segments which are customized to correspond to the length of the spine of the assembled text body.

Applicant's arguments with respect to claim 19 have been considered but are moot in view of the new ground(s) of rejection. The newly cited reference of Werner discloses a method of binding sheets into bound text bodies having respective spines exposed for adhesive application and characterized by multiple length dimensions and multiple thickness dimensions, the method comprising dispensing across the thickness dimension of a text body spine solid sheet adhesive having one of multiple effective widths sized to correspond substantially to the length dimension of the text body spine wherein multiple segments of the solid sheet adhesive are dispensed along the length dimension of the text body spine.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wang et al. (US 4,371,194), Kosanke et al. (US 5,441,374), Yamaguchi et al. (US 5,833,432), Lerman (US 4,911,475), and Slautterback (US 5,129,772) are cited to show the state of the art with respect to methods of binding sheets into bound text bodies via the application of adhesive strips.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N. Hawkins whose telephone number is (571) 272-1229. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on (517) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cheryl N. Hawkins
June 5, 2005


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